

**AMENDMENTS TO THE DRAWINGS:**

The attached sheets of drawings include additions to Figure 7, as explained below. Otherwise, the attached sheets of drawings are formal versions of the *original* drawings, which include minor changes/corrections to cross-hatching so that the cross-hatching does not look like shading, and include thicker line weights throughout to make the reference characters plain and legible as set forth in form PTO-948. These sheets, which include Figures 1-24, replace the original sheets including Figures 1-24.

Attachment: twelve (12) replacement sheets

### **REMARKS**

In the November 15, 2007 final Office Action, the drawings and disclosure were objected to and claims 11-17 stand rejected in view of prior art. On the other hand, claims 19-21 were allowed. Applicants wish to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Also, claims 11-18 and 22-31 were rejected under 35 U.S.C. §112, first paragraph; and claims 11-18 were rejected under 35 U.S.C. §112, second paragraph. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the April 18, 2007 Office Action, Applicant has claims 1, 2, 11, 13, 18 and 28 as indicated above. Thus, claims 1-31 are pending, with claims 1, 11, 19 and 22 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Election of Species***

In paragraph 2 of the Office Action, Applicant's election without traverse of the species illustrated in Figures 1-16 was acknowledged. None of claims 1-31 were withdrawn from consideration. Claims 32-36 were previously cancelled.

### ***Drawings***

In paragraph 4(a) of the Office Action, the drawings were objected to for allegedly introducing new matter in Figure 7. This objection is respectfully traversed as set forth in the January 15, 2008 Petition under 37 CFR §1.181. Specifically, in the August 2, 2007 Amendment, Applicant added the plane P that is perpendicular to the rotation axis X and passes through the center axis C to Figure 7. Also, the reference character "S" identifying the split was added to Figure 7. See the reproduction of Figure 7 from the August 2, 2007 Amendment below.



Adding this plane P that is perpendicular to the rotation axis X and passes through the center axis C to Figure 7 does not constitute an introduction of new matter. Rather, such a plane was inherently present in original Figure 7, but was merely not yet explicitly identified. In other words, a plane that is perpendicular to the rotation axis X and passes through the center axis C is inherently present in original Figure 7, and thus, is merely being clearly, explicitly identified as plane “P” by the August 2, 2007 Amendment. This change to Figure 7 was made in view of the changes to claim 22 (i.e., the plane and split are set forth in amended claim 22) and in view of an objection in the April 18, 2007 Office Action that “a mating mounting structure” set forth in the claims was not identified with a reference numeral. In other words, based on this prior objection, Applicant believed that the plane P and the split S should be clearly identified in the drawings to avoid a potential objection. In other words, Applicant believes that new identifying information was added to Figure 7, not

In paragraph 4(b) of the Office Action, the Office Action indicates that the changes to the drawings by the August 2, 2007 Amendment were not sufficiently explained. Thus, the changes are now explained. Applicant added the plane P that is perpendicular to the rotation

axis X and passes through the center axis C to Figure 7. Also, the reference character "S" identifying the split was added to Figure 7.

In paragraph 5 of the Office Action, the *original* drawings were objected as failing to comply with 37 CFR §1.84 and Applicant is advised to see an attached form PTO-948. In response, Applicant has filed herewith twelve replacement sheets of drawings herewith. These attached replacement drawings are believed to have lines, numbers and letters that are uniformly thick and well defined, clean, durable and black in accordance with 37 CFR §1.84(1). Also, the attached replacement sheets of drawings are believed to have lines of hatching that are sufficiently spaced apart in accordance with 37 CFR §1.84(h)(3) so that the cross-hatching does not look like shading. In other words, formal versions of the *original* informal drawings are filed herewith in accordance with form PTO-948. Based on the above Amendments and comments, Applicant respectfully requests that these objections be withdrawn.

#### ***Specification Objections***

In paragraph 6 of the Office Action, August 2, 2007 Amendment was objected to for allegedly introducing new matter in paragraph [0064]. This objection is respectfully traversed as set forth in the January 15, 2008 Petition under 37 CFR §1.181. Specifically, Applicant amended paragraph [0064] to state "The pivot axis X preferably intersects the curved mounting surface 36d of the tubular clamping portion 36 such that the operating member 61 is disposed on an opposite side of a plane P from the split S. The plane P is perpendicular to the operating axis X and passes through the center axis C of the transverse portion T of the handlebar 14, as best seen in Figure 7." Adding this language to the specification does not constitute an introduction of new matter. Specifically, such language is clearly supported by the original drawings (e.g., original Figures 3-6) and the original specification, which form parts of the original disclosure. See original Figure 7, which is reproduced below.

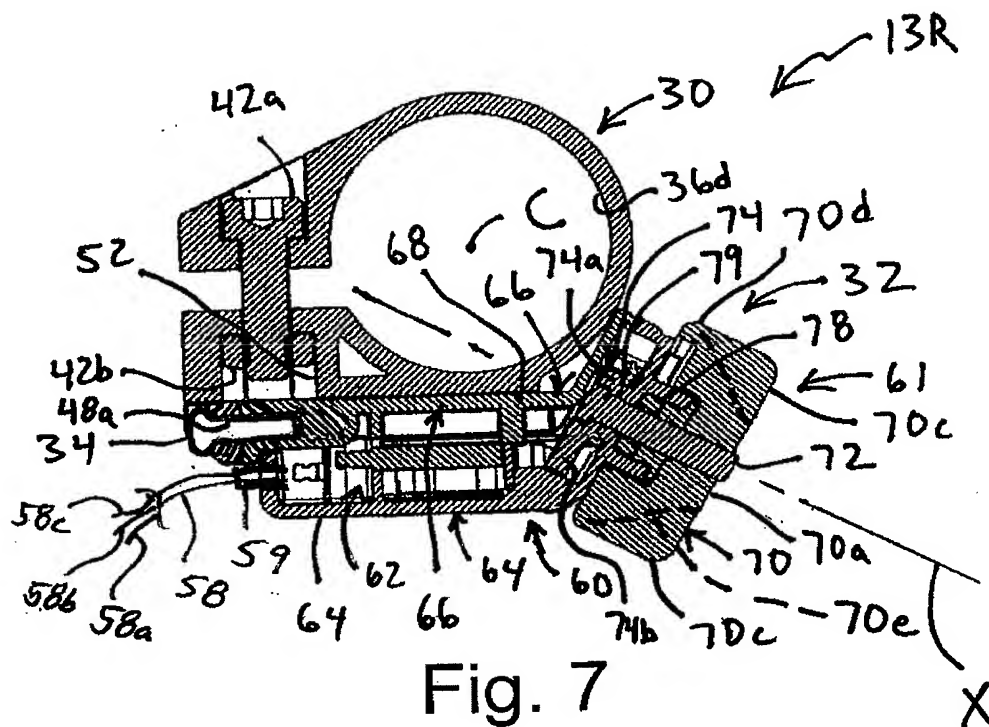


Fig. 7

It is clear from this Figure that *the operating member 61 is disposed on an opposite side of a plane (the plane being perpendicular to the operating axis X and passing through the center axis C of the transverse portion T of the handlebar 14) from the split of the portion 30*. In fact, it is clear from this Figure alone that the operating member and the split lie on opposite sides of many different planes, the plane P merely being one that is easily identifiable because of its arrangement relative to the operating axis X and the center axis C of the transverse portion T of the handlebar 14. Based on the above comments, Applicant respectfully requests that this objection be withdrawn.

In paragraph 7 of the Office Action, the specification is objected to for not specifying which figures show the “retained” and “detached” positions of claims 1, 18 and 28. In response, Applicant has amended these claims to delete the objectionable language (i.e., “retained position” and “detached position”). Accordingly, this objection is now moot, and withdrawal of this objection is respectfully requested.

***Claim Rejections - 35 U.S.C. §112 1<sup>st</sup> paragraph***

In paragraph 8 and 9 of the Office Action, claims 11-18 and 22-31 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

With respect to the rejection of claims 11-18 under 35 U.S.C. §112, first paragraph, Applicant has amended these claims to delete the objectionable language (i.e., “directly,” “indirectly” and “only”). Accordingly, this rejection is now moot, and withdrawal of this rejection is respectfully requested.

With respect to the rejection of claims 22-31 under 35 U.S.C. §112, first paragraph, Applicant respectfully traverses this rejection. The Office Action indicates that the claims contain subject matter (the limitation “the operating member being disposed on an opposite side of a plane from the split, the plane passing through a center axis of the handlebar and being perpendicular to the operating axis” of independent claim 22), which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant disagrees with the Office Action. Specifically, there is no *in haec verba* written description requirement. Rather, claim limitations may be supported in the specification through express, implicit or inherent disclosure. See MPEP 2163 (I)(B). The ***drawings form a part of the original disclosure***. In fact, in *Vas-Cath Inc. v. Mahhurkar* (1991), the court held: “under proper circumstances, drawings alone may provide a ‘written description’ of an invention as required by § 112.” See *Vas-Cath Inc. v. Mahhurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed Cir. 1991). In this case, Applicant believes that even though the plane P was not identified, the plane P was inherently disclosed and the arrangements of the operating member and split relative to the inherent plane P were also inherently disclosed in Figure 7 of the original application as filed, as explained above. Thus, Applicant merely amended the specification and Figure 7 to identify the plane P with a reference character. Based on the above, the original specification reasonably conveys to one skilled in the bicycle art that the inventor(s), at the time the parent application was filed, had possession of the claimed invention, especially if read ***with reference to the drawings***. In other words, based on the above, it is clear that the original specification ***expressly, implicitly or inherently*** provides adequate support (i.e., adequate written description) for claim 22,

especially if read *with reference to the drawings*. Accordingly, based on the above, withdrawal of this rejection is respectfully requested.

***Claim Rejections - 35 U.S.C. §112 2nd paragraph***

In paragraph 10 and 11 of the Office Action, claims 1-18 and 28 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

With respect to the rejection of claims 1, 18 and 28 under 35 U.S.C. §112, second paragraph, Applicant has amended these claims to delete the objectionable language (i.e., “slidable” and “movable”). Accordingly, this rejection is now moot, and withdrawal of this rejection is respectfully requested.

With respect to the assertion that a confusing variety of terms in claim 1 such as “a switch mounting structure (38)”, “a tubular clamping member (36)” and “a mounting portion (30)” render this claim indefinite because the claim *implies* (emphasis added) that these parts are formed as different/separate pieces or not, this rejection is respectfully traversed. These are separate parts as noted by their different reference numerals. However, the claim does not imply that they are separate (detachable) or one-piece (integral) by the language used in the claim. The claim language should be interpreted for what it says not for what it allegedly *implies*. In other words, the language of the claim identifying these different parts is believed to be broad so as to cover detachable and/or integral elements, but is not indefinite. Broadness of claim terminology does not make the terminology indefinite.

In response to the assertion that the terms “directly” and “only” in claim 11 render the claim indefinite because they are inaccurate and misdescriptive, Applicant has deleted the objectionable language from claim 1. Accordingly, this rejection is now moot, and withdrawal of this rejection is respectfully requested.

***Rejections - 35 U.S.C. § 102***

In paragraphs 13 (page 9) of the Office Action, claim 11 is rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 6,305,241 (Masui et al.). In response, Applicant has amended independent claims 11 to more clearly define the present invention over the prior art of record.

In particular, independent claim 11 now requires, *inter alia*, the first tubular clamping member having a pair of attachment ends and a band section extending between the

attachment ends to form a split between the attachment ends, the tubular clamping member being arranged and configured such that the attachment ends move toward each other to reduce an effective inner diameter of a curved mounting surface of the band section; and a bicycle computer unit including a display screen, the bicycle computer being supported by the first tubular clamping member of the first mounting portion within the split. Clearly, this structure is *not* disclosed or suggested by the Masui et al. patent. Rather, *in the Masui et al. patent, the computer is attached to and supported by an external surface of the clamp, not within the split, as claimed*. Moreover, Applicant notes that, contrary to the position of the Office Action, this reference lacks a first electrical shift control switch attached to the first tubular clamping member whatsoever. Specifically, the so-called electrical shift control switch portion is merely a display in this patent. In other words, the Masui et al. patent does not disclose a first electrical shift control switch attached to the first tubular clamping member of the first mounting portion, as now claimed. Thus, the Masui et al. patent fails to disclose or suggest the unique arrangement set forth in independent claim 11, as now amended.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claim 11, as now amended, is not anticipated by the Masui et al. patent or the other prior art of record. Accordingly, withdrawal of this rejection of independent claim 11 is respectfully requested.

### ***Rejections - 35 U.S.C. § 103***

In paragraph 12 (pages 6-9) of the Office Action, claims 11-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over EP Patent Publication No. 1 375 325 (Ichida et al.). In response, Applicant has amended independent claim 11 to more clearly define the present invention over the prior art of record.

In particular, independent claim 11 now requires, *inter alia*, the first tubular clamping member having a pair of attachment ends and a band section extending between the attachment ends to form a split between the attachment ends, the tubular clamping member being arranged and configured such that the attachment ends move toward each other to reduce an effective inner diameter of a curved mounting surface of the band section; and a bicycle computer unit including a display screen, the bicycle computer being supported by



the first tubular clamping member of the first mounting portion within the split. Clearly, this structure is *not* disclosed or suggested by the Ichida et al. publication. Rather, *in the Ichida et al. publication, the computer is attached to and supported by an external upper surface of the clamp, not within the split, as claimed*. Thus, the Ichida et al. publication fails to disclose or suggest the unique arrangement set forth in independent claim 11, as now amended. Accordingly, withdrawal of this rejection of independent claim 11 and its dependent claims 12-17 is respectfully requested.

***Allowable Subject Matter***

In paragraph 12 (pages 6-9) of the Office Action, claims 19-21 are now in condition for allowance. Specifically, these claims were only rejected under 35 U.S.C. §103(a) based on U.S. Patent No. 6,991,081 (Uno et al.), which is disqualified as prior art under 35 U.S.C. §103(a), as explained above. Accordingly, claim 19 has been amended to place this claim in independent form to accept this apparent allowable subject matter.

***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-31 are now in condition for allowance. Reexamination and reconsideration of

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the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

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